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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 ATMEL CORPORATION, et al., No. C-06-02138 CW (EDL)
12 Plaintiffs,
13 v.
14 AUTHENTEC INC,
15 Defendant.

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17 On February 19, 2008, Defendant faxed a letter to the Court informing the Court of another
18 discovery dispute with respect to Plaintiffs' response to two court-ordered Requests for Admission.
19 Defendant seeks to be relieved of the in-person meet and confer requirement imposed by the Court
20 and to be given leave to file a motion for terminating sanctions on shortened time. Pursuant to the
21 Court's Order, Plaintiffs filed a response on February 20, 2008.

22 Given the unavailability of lead counsel for both parties, the Court relieves the parties of the
23 in-person meet and confer requirement for this discovery dispute. However, lead counsel shall meet
24 and confer in good faith by telephone no later than February 28, 2008. If any dispute remains,
25 Defendant may file a motion for sanctions no later than March 4, 2008, which will be heard on
26 March 18, 2008 at 9:00 a.m. Plaintiffs shall file an opposition no later than March 7, 2008 and
27 Defendant may file a reply no later than March 11, 2008.

28 On the one hand, the Court notes that terminating sanctions are extreme, and counsel should
also address the prospect of lesser sanctions. On the other hand, the Court is troubled by what

1 appears to be Plaintiffs' failure to comply with the Court's order with respect to its response to the
2 Requests for Admission, after Plaintiffs did not raise any objections to the Requests as rephrased by
3 the Court at the hearing.

4 **IT IS SO ORDERED.**

5 Dated: February 21, 2008

Elizabeth D. Laporte

6 ELIZABETH D. LAPORTE
7 United States Magistrate Judge

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